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U.S. Department of Justice
Antitrust Division

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August 3, 2012

VIA FACSIMILE

Honorable Harold Baer
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Stewart Wolmark and Evan Zarefsky, No. 09 Cr. 1058 (HB)

Dear Judge Baer:

Sentencing in the above referenced case is currently scheduled before Your Honor on December 14, 2012 at 1:00 p.m. The Government respectfully requests an adjournment until April 15, 2013. To date, no Pre-Sentencing Reports has been ordered for either Defendant. This adjournment will permit the Government to allow Mr. Wolmark and Mr. Zarefsky to fulfill the terms of their cooperation agreements and, ultimately, will enable the Government to present the Court with all the facts relevant to the Defendants' sentencing. Mr. Wolmark and Mr. Zarefsky are continuing to cooperate with the Government's ongoing investigation and prosecutions in the municipal bond industry.

This is the Government's second request for an adjournment of the Defendants' sentencing. The preceding request for an adjournment was granted by Judge Marrero on May 17, 2012. The Government has conferred with counsel for Mr. Wolmark and Mr. Zarefsky regarding this request and there is no objection. Please contact me if you have any questions.

Respectfully,

KEVIN B. HART
Trial Attorney
Antitrust Division

cc: Michael McGovern, Esq. (e-mail)
Jeffrey Rutherford, Esq. (e-mail)
Daniel Zelenko, Esq. (via e-mail)

SO ORDERED

Harold Baer, Jr., U.S.D.J.

Date: 8/6/12

Denied - 14 is long enough to wait for sentencing. I will see you as to need for further adjournment. I will not approve this request. Please contact me if you have any questions. To delay this investigation & you are needed to complete as a defense counsel + child's.

Endorsement:

Denied - December 14 is a long enough for you to get your act together with some hard information as to the need for a further adjournment - I will see you in December. I will not sentence but probation has been notified to begin this pre-sentence investigation and you are directed to cooperate as is defense counsel and the defendants.